

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE BRZEZINSKI #394183,

Plaintiff,

Case No. 12-14573
HON. GERSHWIN A. DRAIN

vs.

WILLIE SMITH, et al.,

Defendants.

OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
[#26]

Presently before the Court is Plaintiff's Motion for Reconsideration filed on June 12, 2013. On May 31, 2013, this Court entered an Order dismissing Plaintiff's action in its entirety. See Dkt. No. 21. On June 12, 2013, this Court construed Plaintiff's Application for Order for Replevin as a Motion for Reconsideration and denied that motion as well. See Dkt. No. 27. The relevant language of Local Rule 7.1(h) is:

[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. L.R. 7.1(h)(3). "A 'palpable defect' is 'a defect that is obvious, clear, unmistakable, manifest, or plain.'" *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004) (citing *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001)).

Plaintiff still has not demonstrated a palpable defect in this Court's previous ruling. Instead, Plaintiff presents the same issues that this Court has ruled on multiple times now. As such, Plaintiff's Motion for Reconsideration [#26] is DENIED.

SO ORDERED.

Dated: June 18, 2013

S/Gershwin A. Drain

GERSHWIN A. DRAIN

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 18, 2013, by electronic and/or ordinary mail.

S/Tanya Bankston

Deputy Clerk